

PROB 12C
(Rev. 2/13)

UNITED STATES DISTRICT COURT

for

DISTRICT OF NORTH DAKOTA

Petition for Warrant or Summons for Offender under Supervision

Name of Offender: Houston James Kirkaldie

Case Number: 0868 4:14CR00049

Name of Sentencing Judicial Officer: Daniel L. Hovland, Chief U.S. District Court Judge

Date of Original Sentence: May 11, 2015

Original Offense: Count 1: Distribution of Methamphetamine
Count 2: Conspiracy to Distribute and Possess with Intent to Distribute
Methamphetamine

Original Sentence: 48 months imprisonment; 3 years supervised release (to run concurrent)

Type of Supervision: TSR

Date Supervision Commenced: 3/22/2017

Asst. U.S. Attorney: Rick L. Volk

Defense Attorney: Guy L. Womack

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) | On October 28, 2017, the defendant was arrested by Three Affiliated Tribes Law Enforcement and charged with Driving Under the Influence and Reckless Driving (Case # 2017-28542). This is in violation of the standard conditions of his release. |
| 2) | On January 3, 2018, the defendant submitted a positive breath test with a B.A.C. level of .099. The defendant admitted to consuming alcohol. This is in violation of the special conditions of his release. |
| 3) | On March 6, 2018, the defendant submitted a positive breath test with a B.A.C. level of .024. This is in violation of the special conditions of his release. |

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- 4) On March 21, 2018, the defendant admitted to consuming alcohol weekly. This is in violation of the special conditions of his release.
- 5) On March 27, 2018, the defendant was arrested by Three Affiliated Tribes and charged with Driving Under Suspension. This is in violation of the standard conditions of his release.
- 6) On April 19, 2018, the defendant submitted a positive breath test with a B.A.C. level of .028. This is in violation of the special conditions of his release.
- 7) The defendant failed to report for random drug screening. This is in violation of the special conditions of his release.
- 8) The defendant has failed to submit alcohol breath tests since April 24, 2018. This is in violation of the special conditions of his release.

U.S. Probation Officer Recommendation: It is respectfully recommended a warrant be issued for the arrest of Mr. Houston James Kirkaldie and hearings be held to determine if he has violated the terms and conditions of his supervised release.

☒ The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 30, 2018

/s/ Fallon Clouse
U.S. Probation Officer

THE COURT ORDERS:

☐ No Action.

☒ The Issuance of a Warrant/Matter Sealed Pending Arrest.

☐ The Issuance of a Summons.

☐ Other

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Signature of Judicial Officer



Date